

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

ERK US DISTRICT COURT
NORTH DIST. OF TX
FILED

2017 DEC 21 PM 1:21

DEPUTY CLERK

Dee Ellen Jennings

Plaintiff

3-17 CV 3470-B

v.

Civil Action No.

The Dallas Morning News

Defendant

COMPLAINT

See attachment

* Attach additional pages as needed.

Date

12-21-2017

Signature

Dee Ellen Jennings

Print Name

Dee Ellen Jennings

Address

2904 Harbinger Lane

City, State, Zip

Dallas TX 75287

Telephone

214-392-1895

I am filing multiple employment related complaints to include: race, color and age discrimination, retaliation and unfair pay for equal work against The Dallas Morning News (TDMN).

I worked at the TDMN for 3 ½ years in the human resources department. I started November 11, 2011; my job responsibilities were that of multiple roles (recruiter, HR admin, performance management and employee relations). There have never been any verbal or written performance issues against me by my manager.

I have been forced out of my position and replaced with one white individual, Lauren Sell as a corporate sales recruiter; one bi-racial individual, Amber Thigpen, who is ½ white ½ black as the Manager of Recruiting.

For the past 2 ½ years the unfair work environment has caused me much distress and severe depression. It became more and more difficult for me to function effectively. This environment not only caused me extreme depression, I had hospital visits for panic attacks and anxiety on two occasions. I was forced to take medical leave for over two months which including out-patient psychiatric care and medical counseling for five weeks. My depression, anxiety and panic attacks started around August 2014 and I prescribed anti-depressants, however I continued to suffer and my condition worsened.

Claim #1 - Race discrimination; the company hired Lauren as a corporate sales recruiter with intent to replace me in November 2014. At that time they assigned almost all the open positions to her, approximately 20+ openings. I was told that I would recruit for the remaining 4-6 open positions, however, my manager started working on these positions and staffing them without letting me know. I believe these actions were done to force me to quit.

I have over 17 years' human resources and recruiting experience, the new recruiter has approximately 1 ½ years total human resources and recruiting experience. Amber is a previous employee that worked for Sandi and has a close friendship with her. I was hired in 2011 to replace her when she resigned.

Claim #2 - Age discrimination; the new corporate sales recruiter is 26 years old.

Claim #3 - Retaliation; I believe Chuck Leu, VP of HR is partially responsible for the company eliminating my position. I believe leadership first tried to force me to quit by taking away most of my recruiting responsibilities, and when that didn't work they eliminated my position. On February 4, 2015 I was told by my manager, Sandi Scott that Chuck and "his peers", the management committee had been working on the process for months.

Chuck's motive for retaliating was because I told my manager that I felt I was being unfairly paid for same work load as my colleagues, including his personal friend. I also expressed my concern that it wasn't fair that Chuck was able to hire and manage his personal friend, Mike

Fowler. He also paid him a very high salary for a position that he did not meet the basic requirements for. I conducted the initial interview with Mike for the Benefits Specialist position that he was hired for. During the interview he admitted that he did not have any compensation experience and his resume reflected that fact.

Chuck has also lied on me to my manager and possibly the management committee. According to Sandi, Chuck told them that during one of our weekly HR Staff Meetings while we were discussing the implementation of the Applicant Tracking System (ATS) that I "rolled my eyes in the top of my head"; that is a complete and utterly lie. I had been lobbying for an ATS since I started with the company.

I believe the Management Committee's retaliation is based on my issues and concerns for the company not having blacks in leadership positions above the sales manager role, and only one at the Director level. In addition to my concerns with the company's policy Diversity and Affirmative Action, I also expressed concerns with the company acquiring new businesses with no focus or intent on acquiring black owned businesses. Chuck's response to my inquiry regarding the potential for the company to purchase black owned businesses was that "they over-value their businesses; that they may think there are worth \$4 million when they only had a \$100k profit". He completely and immediately undervalued black owned businesses without any thought or consideration for the black community. The Dallas Morning News continually and consistently disregards the black community and their employees of color.

On more than one occasion current and past employees had also expressed concern to me regarding a wall mural depicting slavery. When I brought these concerns to leadership it was explained to me that there was a historical nature behind the mural and its impact on Dallas, TX. However, employees felt there are other cultures in the organization that are not depicted in a negative offensive way. There is no other artwork in the building that forces other cultures to be reminded daily of a horrible time in our history. I believe these complaints that I brought forward is part of the decision to remove me from the organization.

Claim #4 - Unfair Pay; I have been treating unfairly in my compensation and I intend to file with the US Federal Court a claim based on the Unfair Pay Act. My job responsibilities and work load equal or exceed that of my colleagues in the same or similar roles yet they are paid approximately \$25,000-\$30,000 more on an annual basis. Again, Mike Fowler did not meet the basic requirements for the position of Benefits Specialist that he was hired for and his starting salary was \$87,500. I also know that my workload exceeded his and my salary was \$62,400. Cindy MacFarlane has worked at The Dallas Morning news for several years as a Sr. HR Business Partner, our jobs are practically the same and her salary is around \$98,000. Both these employees are white.

CIVIL COVER SHEET

3-17 CV 3470-B

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DeeEllen Jennings

(b) County of Residence of First Listed Plaintiff Dallas
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pending

DEFENDANTS

The Dallas Morning News

County of Residence of First Listed Defendant Dallas
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Bracewell & Giuliani

RECEIVED

DEC 21

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF |
|---|---------------------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 |
| Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Civil Rights

Brief description of cause: Discrimination

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____